IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.
CRIMINAL APPICATION No.3054 of 2007

Mahadeo Kailash Shinde ..Applicant.

Vs.

THE STATE OF MAHARASHTRA ..Respondent.

Mr V. S. Talkute i/b R.V. Bansode, Advocate for the Applicant.

Ms M. H. Mhatre, A.P.P. for the Respondent -State.

CORAM: V.C. DAGA, J.
DATED: 26th Sept, 2007.

P.C.:-

1. Heard learned Advocate for the applicant, and the learned A.P.P.for the State.

2. Perused application and the material available on record.

3. By this applicatio, under Section 438 of the Cr.P.C.,the applicant-accused is seeking anticipatory bail in C.R.No.234 of 2007 registered with Dahisar Police Station, Mumbai for the offence punishable under Sections 307, 498-A,323, 504 of the Indian Penal Code.

4. In the F.I.R., no doubt, the

complainant-wife has stated that her husband poured kerosene on her person and set her on fire. The F.I.R. appears to have been lodged after more than ten days from the date of incident. The complainant in the statement recorded on 18.7.2007 had specifically stated that burn injuries suffered by her because of accident and her husband tried to extinguish that fire. Nowhere, in the said statement she had implicated her husband. In the supplementary statement which was recorded at the residence of her parents, she tried to implicate the present accused-applicant.

5. Considering the material available on record and the applicant being the employee of the B.E.S.T., he is not expected to jump the bail. I am inclined to grant anticipatory bail to the applicant subject to the following terms and conditions:

a. The applicant Mahadeo Kailash Shinde, in the event of arrest in C.R.No.234 of 2007 registered with Dahisar Police Station, Mumbai for the offence punishable under Sections 307, 498-A,323, 504 of the Indian Penal Code, shall be released on bail in the sum of

Rs. 25,000/- with one or two sureties to make up the said amount.

b. The said applicant shall report to the concerned Police Station on every Sunday in between 5:30 to 7:30 p.m. till filing of the charge-sheet.

c. The said applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

d. The said applicant is put on notice that on a report by the State in violating any of the conditions by the applicant, mentioned herein, shall result in cancellation of this bail order.

6. Any observation made in this order shall not be construed as finding or expression on merits of the case at the time of trial.

7. This order of anticipatory bail shall remain in force till the filing of the charge sheet. It would be open for the applicant to apply for regular bail before the regular Court.

8. The application is allowed in the above terms.

(V.C. DAGA,J.)